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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,796	09/12/2006	Andreas Johannes Gerrits	NLO40292	1499
24737 7590 06/27/2008 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER				
CHAWAN, VIJAY B				
ART UNIT		PAPER NUMBER		
2626				
MAIL DATE		DELIVERY MODE		
06/27/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/598,796

**Applicant(s)**

GERRITS ET AL.

**Examiner**

Vijay B. Chawan

**Art Unit**

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF 298)  
Paper No(s)/Mail Date \_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 5 and 6 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 5 depends on claim 6, which in turn depends on claim 1. Claim 6 is an apparatus claim which depends on a method claim which is improper. Claim 5 depends on claim 6 which is improper.
2. Claims 5 and 6 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in alternative only. See MPEP § 608.01(n). Accordingly, the claims 5 and 6 have not been further treated on the merits.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2626

4. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by den Brinker et al., ("Parametric Coding for high-quality Audio" Convention paper 5554, presented at the 112<sup>th</sup> convention of the Audio Engineering Society, may 1-13, 2002, pages 1-10).

As per claim 1, den Brinker et al., teach a method of synthesizing a signal comprising sinusoids from encoded data, the encoded data comprising:

for each of a plurality of consecutive time segments, one or more frequency values (f) representing sinusoids, and data identifying the time of occurrence of possible transients, the method comprising generating sinusoids with each of the one or more frequency values (f), and linking sinusoids across a plurality of consecutive segments, where segments with no transients are weighted with a normal window (W1, W2, W3) having a normal leading edge and a normal trailing edge, and where consecutive segments have a normal period of overlap (0) of their trailing edges and leading edges, respectively, and where segments in which the time of occurrence of a transient is identified, are weighted with a first modified window (W1m) having a modified trailing edge, and the following segment is weighted with a second modified window (W2m) having a modified leading edge, so that the modified trailing edge and the modified leading edge have a modified period of overlap (Om), which comprises the time of the occurrence of the transient, and which is shorter than the normal period of overlap (0), wherein the modified period of overlap (Om) depends on the frequency value (f), (pages 6 – 7, -- sections -- "Decoding" and "Encoder Results") .

As per claim 2, den Brinker et al., teach a method according to claim 1, wherein the modified period of overlap ( $O_m$ ) decreases with increasing frequency value ( $f$ ) (pages 6 – 7, - - sections -- “Decoding” and “Encoder Results”).

As per claim 3, den Brinker et al., teach a method according to claim 1, wherein the modified period of overlap ( $O_m$ ) depends on the frequency value ( $f$ ) substantially as  $f/c$  (pages 6 – 7, - - sections -- “Decoding” and “Encoder Results”).

As per claim 4, den Brinker et al., teach a method according to claim 1, wherein two or more fixed values of the modified period of overlap ( $O_m$ ) are used for corresponding frequency intervals (pages 6 – 7, - - sections -- “Decoding” and “Encoder Results”).

Claims 5 and 6 are apparatus claims which are similar in scope and content of method claims 1-4 and are rejected under similar rationale.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see attached form PTO-892.

Taori, R. et al., (“Closed-loop tracking of sinusoids for speech and audio coding”, 1999 IEEE Workshop on Speech Coding Proceedings, 20-23 June 1999, Page(s):1 – 3).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vijay B. Chawan whose telephone number is (571) 272-7601. The examiner can normally be reached on Monday Through Friday 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Vijay B. Chawan/  
Primary Examiner, Art Unit 2626

vbc  
6/28/08